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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,370	02/21/2006	Robert L Hancock	026032-4941	8397

22428 7590 06/26/2008

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EXAMINER	
ABRAHAM, TANIA	

ART UNIT	PAPER NUMBER
3636	

MAIL DATE	DELIVERY MODE
06/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/541,370	HANCOCK ET AL.	
	Examiner	Art Unit	
	Tania Abraham	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/21/2006, 7/05/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Objections

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Baloche et al (US 5717300). Baloche et al shows a control system comprising: a seat base motor 7 for longitudinally adjusting a seat base 2; a manual recliner mechanism at spindle 3_1 (detailed in Figure 8) for adjustment of a seat back 3 inclination; and a control circuit (shown in Figure 3) for longitudinally adjusting the seat base 2 in response to an adjustment of the seat back inclination; wherein the amount of movement of the seat base 2 is dependent on the amount of the change in the back's inclination. Giving this claim its broadest reasonable interpretation, the limitation that recites the amount of base movement is dependent on the change in the back's angle of inclination fully encompasses the base movement disclosed by Baloche et al, since their base's 2 amount of movement depends on their back 3 being moved from an upright position to a folded-down position; wherein the amount of movement is the distance between one position and an end-of-travel position (col. 5:66- 6:3); and wherein the change in the

back's angle of inclination is between an upright position angle and a folded-down position angle (col. 6: 26-29, 50-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 6-13, 17-22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morishita et al (US 6149237) in view of Baloche et al (US 5717300). Morishita et al shows a sliding seat base 16, an adjustable seat back 12, and a manual recliner mechanism at shaft 14. When their seat back reaches a predetermined angle of incline, theta, their seat base is mechanically activated to slide rearward to an inoperative position, and forward to an operative position. Morishita et al do not show a

motorized seat base controlled with a control circuit, but they do suggest using their manually reclined backrest with a power seat (col. 7: 40-49). Baloche et al show a seat control system comprising a motorized seat base 2, a manually reclined back 3, and a control circuit (fig. 3) for moving the seat base forward and backward in response to a change in the back's angle of inclination. This allows the entire seat to be automatically moved to inoperative and operative positions. So it would have been obvious to one of ordinary skill in the art to substitute the seat control system of Baloche et al for the mechanical control of Morishita et al's seat at the time of invention, since it was suggested by Morishita et al and since it has generally been recognized that the use of an electric control to automate a previously mechanical operation involves only routine skill in the art.

In regards to claim 2, the claimed ration is considered a matter of design choice since one of ordinary skill in the art could have used the ratio of a 1mm-4mm seat base slide to every 1 degree of seat back incline, based on its suitability in moving the seat of Morishita et al's and Baloche et al to its inoperative and operative positions within a given vehicle body. Morishita et al disclose that when their seat back reaches a predetermined angle, the power slide is activated to move the base rearward and is stopped in its inoperative position when the back reaches its fully folded position (col. 7: 40-49); therefore, selecting an appropriate proportion between the incline angle and the distance traveled in order to achieve the predictable result of properly moving the seat to its inoperative position was recognized as part of the ordinary capabilities of one of ordinary skill in the art. Accordingly, it would have been an obvious matter of design

choice to modify the seat control system of Morishita et al and Baloche et al to operate with the claimed ratio since it would have yielded the predictable result of moving their seat to its inoperative and operative positions within a given vehicle body.

With respect to claims 6 and 7, Baloche et al teaches that the seat base can be configured to move after the seat back has stopped, dependent on when an appropriate switch is activated; wherein the time lapse of switch activation is approximate to 0.5 second and 1 second. So it would have been obvious to one of ordinary skill in the art at the time of invention to optionally move the seat base after the seat back has stopped at its angle of inclination, as taught by Baloche et al.

With respect to claims 8-11, refer to the detailed rejection under 103(a) above.

With respect to claim 12, both Morishita et al and Baloche et al show their seat base coupled to a track, and their seat back pivotally coupled to the track via the seat base. Baloche et al discloses that their control system includes a seat base input device 4_3 which operates as recited by the functional limitations of claim 12. With respect to claims 13, 17, and 18, refer to the rejection regarding claims 2, 6 and 7 above.

With respect to claim 20, the microprocessor claimed is considered a matter of design choice because including a microprocessor in a control circuit was a known technique for improving that particular class of device at the time of invention; and using a known technique for improving a related device is part of the ordinary capabilities of a person of ordinary skill in the art. Therefore including a microprocessor in their control

system would have been obvious to one of ordinary skill for yielding the predictable result of providing a better seat control system.

With respect to claims 21, 22, 24, and 25, refer to the detailed rejection under 103(a) above.

6. Claims 4, 5, 14-16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morishita et al and Baloche et al as applied to claims 1, 12, 13 and 21 above, and further in view of Ratzel et al (US 4547718). Morishita et al and Baloche et al show and suggest the structure as claimed, with the exception of using sensor for detecting the position of their seat back; specifically, a potentiometer. Baloche et al shows structure claimed including the control circuit comprising position and limit switches, with the exception of a seat back positioning sensor. Ratzel et al shows a control system comprising position switches and a sensor detecting the seat back 19 position; wherein the sensor is a potentiometer (column 2). Ratzel et al provides the control system with a sensor as an alternative to a control system with limit switches (col. 3: 23-29). So it would have been obvious to a person of ordinary skill in the art to use the potentiometer of Ratzel et al in an attempt to provide a better seat control system, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 3636
June 23, 2008

/David Dunn/

Supervisory Patent Examiner, Art Unit 3636